FOR MYSORE STATE

S-a.t. II-27—p5,000 31.10.50.

Public (1948) Department

Ms SERIES.

G.O. NO.	385 and 386
Dated	20-2-48

[Despatch Abstract.]

G.O. 385 - Foreigners - Foreigners Order 1948 - Notifications of Government of India - Republished in the Fort St. George Gazette.

G.O.386 - Foreigners Order, 1948 - Commissioner of Police, D.Ms. and C.S. to Government - Appointed Civil Authorities.

GOVERNMENT OF MADRAS.
Abstract.

FOREIGNERS - Foreigners Order, 1948 - Notifications of Government of India - Republished in Fort St. George Gazette.

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Public (Military) Department.

G.O.Ms.No.385. Dated 20th February 1948.

Read the following:-

From the Government of India, Ministry of Home Affairs, No.9/9/46-Poll (E.W) dated 10-2-1948.

ORDER:

The following Notifications of the Government of India will be republished in the Fort St. George Gazette:-

Notification I

(P.T.O.)

No.9/9/46-Political (EW)
Government of India,
MINISTRY OF HOME AFFAIRS.

New Delhi-3, the 10th February, 1948.

NOTIFICATION.

ORDER UNDER THE FOREIGNERS ACT, 1946.

In exercise of the powers conferred by section 3 of the Foreigners Act,1946 (XXXI of 1946), and in supersession of the Foreigners Order, 1939, and of all notifications amending the same, the Central Government is pleased to make the following order:-

1. Short title, Commencement and extent.

(1) This Order may be called the Foreigners Order, 1948.

(2) It shall come into force at once.

(3) It extends to the whole of India.

2. Definitions. In this Order -

(1) "Registration Officer" means a Registration Officer as defined in the Registration of Foreigners Rules, 1939, or such other officer as may be authorised by him to perform the functions of a Registration Officer under this Order;

(2) "Civil authority" means such authority as may be appointed by the Central Government in this behalf for such area as it thinks fit;

(3) "Port" includes an airport.

3. Power to grant or refuse permission to enter India.

(1) No foreigner shall enter India otherwise than at a port or such place of entry on the borders of India as a Registration Officer having jurisdiction at such port or place may appoint in this behalf, or without the leave of the civil authority having juris-

(P.T.O.)

diction at such port or place.

(2) Leave to enter should be refused if the civil authority is satisfied that -

(a) the foreigner is not in possession of a valid passport or visa for India or has not been exempted from the possession of a passport or visa; (b) he is a person of unsound mind or a mentally defective person;

(c) he is suffering from a loathsome or infectious disease in consequence of which, in the opinion of the medical officer of the port or the place of entry, as the case may be, the entry of the foreigner is likely to prejudice public health;

(d) he has been sentenced in a foreign country for an extradition offence within the meaning of the Indian Extradition Act, 1903 (XV of 1903);

(e) his entry is prohibited either under an order issued by a competent authority or under the specific orders of the Central Government.

(3) The civil authority may attach such conditions as it thinks fit to the grant of leave to enter and such conditions may be varied in such manner or cancelled as the Central Government deems fit.

(4) (a) Notwithstanding anything contained in sub-paragraphs (1) to (3) or in the Indian Passport Act, 1920 (XXXIV of 1920), or in the rules made thereunder, a civil authority may, in the interests of public safety, prohibit the entry of any foreigner into India.

(b) Whenever the civil authority issues an order under clause (a), it shall report the matter forthwith to the Central Government which may cancel or modify the order in such manner as it thinks fit.

(P.T.O.)

(5) Where leave to enter is refused to a foreigner, he may be detained at some place approved by the civil authority and may, if he has come by sea, be placed temporarily on shore for that purpose; and whilst he is so detained a foreigner shall be deemed to be in legal custody and not to have entered India.

4. Landing of Seamen. (1) No seaman or member of the crew of an aircraft, being a foreigner, shall land in India without a special permit from the Superintendent of Police or any other Police officer not below the rank of a sub-Inspector or Sergeant.

(2) No such permit shall be granted unless the owners of agents of the vessel or aircraft have undertaken either generally in respect of all members of the crew of veseis or aircraft belonging to or managed by them or in an individual case the responsibility for the maintenance of such seaman or member of the crew during his residence in India and for the expenses of his departure from India

(3) For the purpose of this paragraph "Seaman" has the meaning assigned to it in the Registration of Foreigners Rules, 1939.

(4) The provisions of this paragraph are in addition to, and not in derogation of, the provisions of paragraph 3.

5. Power to grant permission to depart from India. (1) No foreigner shall leave India otherwise than at a port or such recognised place of departure on the borders of India as a Registration officer having jurisdiction at e such port or place may appoint in this behalf, or without the leave of the civil authority having jurisdiction at such port or place.

(P.T.O.)

(2) Leave shall be refused if the civil authority is satisfied that;

(a) the foreigner has failed to comply with formalities of departure prescribed under the Registration of Foreigners Rules, 1939;

(b) the foreigner's presence is required in India to answer a criminal charge;

(c) the foreigner's departure will prejudice the relations of the Central Government with a foreign power;

(d) the departure of the foreigner has been prohibited under an order issued by a comptetentauthority.

(3). (a) Notwithstanding anything contained in the above sub-paragraphs, a civil authority may prohibit the departure of a foreigner where it is satisfied that such departure would not be conducive to the public interest;

(b) whenever a civil authority issues an order under clause (a), it shall report the matter forthwith to the Central Government which may cancel or modify the order in such manner as it think fit.

6. Liability of Master of Vessel etc. to remove a foreigner. (1) A civil authority may require the master of the vessel or pilot of the aircraft in which a foreigner has arrived or the owners or agents of that vessel or airfraft, as may be appropirate in the opinion of such civil authority, to remove a foreigner who has been refused permission to enter and the master, pilot, owner or agent, as the case may be, shall comply with such requistition, unless it is received more than two months after the date of the arrival of the foreigner in India.

(2) The master of a vessel or the pilot of an aircraft, scheduled to call at any port outside India, shall, if so required by the Central Government, receive a

foreigner in respect of whom an order directing that he shall not remain in India has been made, and his dependents, if any, on board the vessel or aircraft, as the case may be, and afford him and them a passage to that port and proper accommodation and maintenance during the passage.

7. Restriction on sojourn in India. Every foreigner who enters India on the authority of a visa issued in pursuance of the Indian Passport Act, 1920 (XXXIV of 1920), shall obtain from the Registration Officer having jurisdiction at the place at which the said foreigner enters India a permit indicating the period during which he is authorised to remain in India and shall, unless the period indicated in the permit is extended by the Central Government, depart from India before the expiry of the said period; and at the time of the foreigner's departure from India the permit shall be surrendered by him to the Registration Officer having ~~Registration~~ jurisdiction at the place from which he departs.

8. Prohibited places. (1) No foreigner shall, without the permission of the civil authority having jurisdiction at such place, visit, or reside in, any prohibited place as defined in the Indian Official Secreta Act, ~~1925~~ 1923 (XIX of 1923).

(2) Where any foreigner is, on the commencement of this Order, residing in any prohibited place and is not permitted to continue to reside there, he shall, within such time as may be speficied by the civil authority, remove himself from such place.

(3) The civil authority may impose on any householder or other person in such prohibited place the obligation to report to the police or to any naval, military, or air force authority the presence of any foreigner in his household or in any premises occupied by him or under his control and the departure of any such foreigner and such other particulars with respect to such foreigner as may be prescribed by such authority.

(P.T.O.)

9. Protected Areas. (1) The Central Government or, with its price sanction, a civil authority may by order declare any area to be a protected area for the pruposes of this Order.

(2) On such declaration, the civil authority may, as to any protected area, by order:

(a) prohibit any foreigner or any class of foreigners from entering or remaining in the area;

(b) impose on any foreigner or class of foreigners entering or being in the area such conditions or restrictions as it may think fit as to:

(i) reporting to the police or any naval, military, or air-force authority;

(ii) surveying or making sketches or photographs;

(iii) the use or possession of any machine, apparatus, or other article of any description.

(iv) the acquisition of land or any interat in land within the area;

(v) any other matter or thing as to which it may deem it necessary in the interests of public safety to impose conditions or restrictions;

(c) impose on any householder or other present obligation to report to the police or any naval, military, or air-force authority the presence of any foreigner in his household or in any premises occupied by him or under his control, and the departure of any such foreigner and such other particulars with respect to any such foreigner as may be prescribed by the Order.

Provided that the civil authority may, subject to any general or specific direction of the Central Government, grant to an individual foreigner a special permit exempting him from any or all of the conditions or restrictions imposed under this sub-paragraph.

10. Restrictions on employment. No foreigner shall, without the permission in writing of the civil authority, either

(P.T.O.)

enter any premises relating to, or be employed in, or in connection with;

(1) any undertaking for the supply to Government or to the public of light, petroleum, power or water, or

(2) any other undertaking which may be specified by the Central Government in this behalf.

11. Powers to impose restrictions on movements etc. The civil authority may, by order in writing, direct that any foreigner shall comply with such conditions as may be specified in the order in respect of:-

(1) his place of residence;
(2) his movements;
(3) his association with any person or class of persons specified in the order; and
(4) his possession of such articles as may be specified in the order.

12. Powers to remove foreigners from Cantonments. The military officer for the time being in command of the forces in a cantonment may, by order in writing, direct any foreigner to remove himself from the cantonment within such time as may be specified in the order.

13. Power to close clubs and restaurants. (1) A civil authority may direct that any premised in its jurisdiction which in its opinion are used for the sale of refreshments to be consumed on the premises, or as a place of public resort or entertainment, or as a club, and which are or have recently been frequented by foreigners, shall be either closed altogether or kept closed during such hours or for such purposes as may be required by it, if in its opinion either;

(a) the foreigners so frequenting the premises are of criminal or disloyal associations or otherwise undesirable; or

(b) the premises are conducted in a disorderly or improper manner, or in a manner prejudicial to the public good;

(.P.T.O.)

and if any premises are kept open in contravention of any such direction the occupeir or person having control of the premises shall be deemed to have acted in contravention of this Order.

(2) Where any premises have been closed under this paragraph the occupier or person having control of the premises shall not occupy or control any other premises which are used for the sale of refreshments, or as a place of public resort of entertainment, or as a club without the consent of the civil authority of the area in which the premises are situate.

(3) Any police officer, if authorised by the civil authority may, for the purpose of enforcing the provisions of this paragraph, enter, if necessary by force, and search or occupy any premises in respect of which an order under this paragraph has been made by the civil authority.

(4) Any action taken by a civil authority under sub-paragraphs (1) to (3) above shall be reported forthwith to the Central Government which may cancel or modify such order in such manner as it deems it.

14. Expenses of deportation. Where an order is made in the case of any foreigner directing that he shall not remain in India or where a foreigner is refused permission to enter India or has entered India without permission, the Central Government may, if it thinks fit, apply any money or property of the foreigner in payment of the whole or any part of the expenses of or incidental to the voyage from India and the maintenance until departure of the foreigner and his dependants, if any.

15. Power of arrest and detention. If, in the opinion of the civil authority, it is necessary for the public safety so to do, the civil authority may arrest any foreigner without warrant and detain him in such manner and at such place as may to such authority appear suitable;

Provided that the manner of such dentention shall not be more rigorous than the manner in which an arrested person is detained while in police custody under the provisions of the Code

of Criminal Procedure, 1998 (Act V of 1998):

Provided further that a report of such arrest and detention shall be forthwith forwarded to the Central Government with a statement of the reasons therefore and the Central Government may cancel such order or modify the manner of such detention in such manner as it may deem fit.

Notification II

No.9/9/46-I-Political (EW)
Government of India
MINISTRY OF HOME AFFAIRS.

New Delhi - 3, the 10th February 1948.

NOTIFICATION.

In exercise of the powers conferred by sub-section (1) of section 124 of the Government of India Act 1935, as adapted by the India (Provisional Constitution) Order, 1947, the Governor General is pleased to entrust to the Provincial Governments, with their consent, the functions of the Central Government under the Foreigners Order, 1948, subject to the condition that notwithstanding this entrustment the Central Government may itself exercise any of the said functions in any particular case or class of cases.

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2. Orders regarding appointment of Civil Authorities under para 2 (2) of the Foreigners Order, 1949, will issue separately.

(Sd) M.G.M.
Under Secy to Govt.
17.2.48.
(P.T.O.)

To the Superintendent, Government Press for publication of the notification in the Fort St. George Gazette.
" the Commissioner of Police, Madras.
" All District Magistrates.
" the Inspector -General of Police, Madras.
" the Deputy Inspector-General of Police, Railways & C.I.D. MADRAS.
" All other Deputy Inspector-Generals of Police.
" All District Superintendents of Police.
" the Registrar, High Court, Madras.
" the Director, Information & Publicity.
" the Secretary, Home Department.

/True Copy/

SUPERINTENDENT,
Madras Record Office,
.5.1953.

SS/11/5.

No. 9/9/46-II-Political (EW)
Government of India
MINISTRY OF HOME AFFAIRS.
* * *

New Delhi-3, the 10th February, 1948.

NOTIFICATION.

In pursuance of sub-section (3) of section 94 of the Government of India Act, 1935, as adapted by the India (Provisional Constitution) Order, 1947, and in supersession of the notification of the Government of India in the late Home Department, No.21/84/39-Political (W), dated the 27th August, 1939, the Governor General is pleased to direct that the functions of the Central Government under the Foreigners Order, 1948, shall, in the Chief Commissioners' Provinces, be discharged by the Chief Commissioner.

/True Copy/

SUPERINTENDENT,
Madras Record Office,
30.5.1953.

SS/11.5.

GOVERNMENT OF MADRAS.
Abstract.

FOREIGNERS ORDER, 1948 - Commissioner of Police, District Magistrates and Chief Secretary to Government - Appointed Civil Authorities.

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Public (Military) Department.

G.O.Ms.No.386. Dated 20th February 1948.

ORDER:

In exercise of the powers conferred by paragraph 2 (2) of the Foreigners Order, 1948, the functions under which have been entrusted to the Provincial Government by the Central Government, His Excellency the Governor of Madras hereby appoints the authorities mentioned in Column (1) of the Schedule ~~belowww~~ below to be the Civil Authorities for the purposes of the said order for the areas mentioned in the corresponding entry in Column (2) of the said Schedule.

SCHEDULE.

Name of Authority. (1)	Area. (2)
1. Commissioner of Police, Madras.	The City of Madras.
2. District Magistrate.	The District concerned.
3. Chief Secretary to Government, Public Department. (in addition to the authorities mentioned in items 1 and 2 above)	The whole of the Province of Madras.

~~(in xxxx